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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,341	11/26/2003	Darryl Gauthey	ICB0160	4489

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EXAMINER	
EDWARDS JR, TIMOTHY	

ART UNIT	PAPER NUMBER
2612	

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/721,341	GAUTHEY ET AL.	
	Examiner	Art Unit	
	Timothy Edwards, Jr.	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,8,14 and 16* is/are rejected.

7)☒ Claim(s) *6,7,9-13 and 15* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4,14,16 are rejected under 35 U.S.C. 102(e) as being anticipated by Taylor '677.

Considering claim 1, Taylor discloses a touchpad code entry system comprising 1) means of touching a touch screen to generate a security code for access to a function, an apparatus or location (see paragraph 0004-0005 and 0012-0014); 2) controls keys activated by manual action of a users finger or a stylus (see paragraph 0014); 3) keys are sensitive pads linked to a microprocessor unit of the electronic device (see paragraph 0055); a series of steps in an entry mode comprising a) placing a finger or stylus on a first key of the touch pad represents the first reference of the code to be entered (see paragraph 0022); b) moving the finger or stylus over a specific trajectory from a first key to a second key, the second key represents a second reference to the code to be entered (see paragraphs 0023, 0024 and 0053).

Considering claim 2, Taylor discloses the limitation of this claim (see paragraphs 0022 and 0051).

Considering claim 3, Taylor discloses the limitation of this claim (see paragraphs 0022 and 0051).

Considering claim 4, Taylor discloses the limitation of this claim (see paragraphs 0055 0061 and 0062).

Considering claim 14, Taylor discloses the limitation of this claim (see paragraphs 0039 and 0055).

Considering claim 16, the limitations of this claim are interpreted and rejected as stated in claim 1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 5, is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor.

Considering claim 5, Taylor does not specifically recite depressing the references of the security code for a period of time. One of ordinary skill in the art readily recognizes the practice of depressing a key for a predetermined time before the key is actuated is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to use this method of key activation in the Taylor system.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor as applied to claim 1 above, and further in view of Fujii '352.

Considering claim 8, Taylor discloses an electronic device comprising a liquid-crystal display, a touch screen for entering data and means for transmitting and/or receiving signals (see paragraphs 0013 and 0076); except Taylor does not specifically recite the electronic device of his system is a wrist watch comprising at least one control button to actuate various functions of he watch, i.e. the control keys of the touch screen and the liquid-crystal display to indicate different operations of entry, verification and transmission of security code. Fujii teaches a wristwatch comprising a liquid-crystal display, a touch screen for entering data and means for transmitting and/or receiving signals. Also, the wristwatch comprising at least one control button to actuate various functions of he watch, i.e. the control keys of the touch screen and the liquid-crystal display to indicate different operations (see col 3, lines 1-6 and col 4, lines 3-8 and lines 16-31). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Taylor system to be incorporated into a wrist watch as taught by Fujii because both

systems are concern with the use of an electronic device comprising a liquid-crystal display, a touch screen for entering password data and means for transmitting and/or receiving signals.

Allowable Subject Matter

6. Claims 6,7,9-13,15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: with respect to claim 6 the prior art (Taylor '677) does not teach or suggest a first transceiver transmitting an inquiry signal to a portable electronic device when the device is within a defined zone of the first transmitter; upon receipt of the inquiry signal a security code is entered on the electronic device and transmitted to the first transceiver. With respect to claims 9 and 13 the prior art (Taylor '677) does not teach or suggest a the control keys of the touch screen are situated around a periphery of a watch glass of a wrist watch for entry of a code, the reference marks are placed on the watch glass to indicate the position of the touch screen keys and their corresponding references, wherein the movement from one reference to another reference of a code to be entered on the watch glass is in a clockwise or anti-clockwise direction in accordance with a program in the microprocessor unit. With regard to claim 15 the prior art (Taylor '677) does not teach or suggest an electronic device is an analog wrist watch

wherein the number of keys on the touch screen is 12, or a multiple of 12, in order to associate each reference of the code to be entered with an hour digit displayed on a dial of the wrist watch. Claims 7, 10-12 depends on objected claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Narayanaswami '860 discloses the use of a touch screen on a wristwatch to enter a security code. Von Hoffmann '623, Kurple '152, Karasawa et al '900 and Shreve et al '580 disclose transmitting passwords to gain access to a device or location.

Any inquiry concerning this communication should be directed to Examiner Timothy Edwards, Jr. at telephone number (571) 272-3067. The examiner can normally be reached on Monday-Thursday, 8:00 a.m.-6:00 p.m. The examiner cannot be reached on Fridays.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached at (571) 272-7308.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-4700, Mon-Fri., 8:30 a.m.-5:00 p.m.

Any response to this action should be fax to:

(571) 273-8300 (for formal communications intended for entry).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http:/pair-direct.uspto.gov or contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Timothy Edwards, Jr.
Primary Examiner
August 28, 2006